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Editorial: Taking on a crisis

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It's not exactly news that prison costs are draining California's budget. But what to do about it?

The only way to end the crisis is to slow the crush of inmates entering prison. And the best way to do that without endangering the public is to modify California's "three-strikes" law.

But most politicians are afraid to touch three strikes. They know that if they support efforts to make the state's sentencing laws more rational and less costly, their opponents - with the support of the powerful prison guards union and its allies in the victims-rights community - will label them soft on crime. So the crisis continues.

Now Los Angeles District Attorney Steve Cooley has stepped boldly into this vacuum. His willingness to sponsor an initiative that modifies the three-strikes law is both daring and refreshing.

With rare but important exceptions, his proposed initiative would reserve 25-to-life terms for those defendants whose third and final strike was a serious or violent one. Under it, fewer costly life terms would be meted out to criminals convicted of stealing golf clubs or pizzas.

There would be important exceptions. Even petty thieves could be subject to life sentences under the measure if their first or second felonies were homicides, child molestations, rapes or any other felony punishable by a life sentence or death.

As the three-strikes law now works, because local prosecutors exercise their discretion in disparate ways, petty criminals convicted of third felonies in some counties may go to prison for life, while those in other counties receive probation. The changes in the Cooley initiative attempt to restore proportionality and equal treatment. As a side benefit, they also would save the state money.

California's prison population has grown 34 percent - to 168,000 inmates today - since three strikes became law. The corrections budget has doubled during that same period, to \$7.2 billion this year. Gov. Arnold Schwarzenegger has plans to add 84,000 prison beds. Locking up thousands of aging three-strikers who pose no real threat to society robs

California of money it desperately needs to invest in roads and transit and ports and schools, to repair levees and expand universities.

The three-strikes reform initiative is under review by the Department of Justice. Supporters will have to collect 373,000 valid signatures to get it on the November ballot.

It will be an uphill battle. A more ambitious three-strikes overhaul failed in 2004. But, at that time, Cooley was part of a coalition of district attorneys who opposed the change. The new measure is more modest. As a prosecutor and former cop, someone who has spent his career putting dangerous criminals behind bars, Cooley gives to the reform effort credibility that cannot easily be dismissed by cynical opponents.

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